IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 34 of 2007()

Crime No.435/06 of Sakthikulangara Police Station

: PETITIONER/4TH ACCUSED

BINU, S/O.NARAYANAN PILLAI,
BINU BHAVAN, KALEEKKAL KADAPPURAM,
MUNDACKAL EAST, MUNDACKAL VILLAGE,
KOLLAM.

BY ADV. SRI.M.V.THAMBAN

RESPONDENT: COMPLAINANT

SUB INSPECTOR OF POLICE,
SAKTHIKULANGARA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 34 of 2007

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Dated this the 11th day of January, 2007.

ORDER

Petitioner, who is the fourth accused in Crime No.435 of 2006 of Sakthikulangara Police Station for an offence punishable 379 read with Section 34 I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 1.30 a.m. on 6.12.2006 the four accused persons had jointly committed theft of an autorikshaw parked in the car porch of one Bijukumar of Sakthikulangara and the autorikshaw was subsequently seized by the Sub Inspector of Police, Kollam East Police Station on 6.12.2006 at 11.30 p.m. from a place called Chemmankukku.

4. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Anticipatory bail cannot be granted in a case of this nature. At the same time I am inclined to give the petitioner an opportunity to surrender before the Investigating Officer and thereafter get his regular bail application considered by the Magistrate. Accordingly, the petitioner shall surrender before the

Investigating Officer any day between 15.1.2007 and 18.1.2007 for the purpose of custodial interrogation. After such interrogation, the petitioner shall be produced before the Magistrate having jurisdiction, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

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